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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

CURTIS NEVA,   )
)
               Plaintiff,   )   Case No. 2:15-cv-00478-RFB-GWF
)
vs.   )   **FINDINGS AND**
)   **RECOMMENDATION**
)
)
WELLS FARGO BANK,   )
)
               Defendants.   )
)

14   This matter is before the Court on Plaintiff's failure to comply with Court Order #4.

15   Plaintiff applied to proceed *in forma pauperis* on March 16, 2015. The Court denied Plaintiff's

16   application on August 18, 2015. The Court found that Plaintiff did not financially qualify to

17   proceed *in forma pauperis*, and therefore ordered him to pay the filing fee within 30 days. Plaintiff

18   was advised that a failure to pay the filing fee could result in dismissal of the action.

19   Pursuant to Fed. R. Civ. P. 41(b), the Court may dismiss an action if the plaintiff fails to

20   prosecute or comply with the rules or a court order. Pursuant to Order #4, Plaintiff had 30 days to

21   pay the filing fee. Notice was mailed to Plaintiff on August 18, 2015. More than 30 days have

22   elapsed since the order was mailed, and Plaintiff has not paid the filing fee. Accordingly,

23   **IT IS HEREBY RECOMMENDED** that Plaintiff's complaint be **dismissed** without

24   prejudice.

25   **NOTICE**

26   Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be in

27   writing and filed with the Clerk of the Court within 14 days of service of this document. The

28   Supreme Court has held that the courts of appeal may determine that an appeal has been waived

due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142

(1985). This Circuit has also held that (1) failure to file objections within the specified time and (2)

failure to properly address and brief the objectionable issues waives the right to appeal the District

Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*,

951 F.2d 1153, 1157 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th

Cir. 1983).

DATED this 5th day of October, 2015.

_____
GEORGE FOLEY, JR.
United States Magistrate Judge